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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,447	05/02/2001	Roland M. Morley	INTL-0535-US (P10840)	7740
7590	07/27/2004			
Timothy N. Trop TROP, PRUNER & HU, P.C. 8554 KATY FWY, STE 100 HOUSTON, TX 77024-1805			EXAMINER LEURIG, SHARLENE L	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 07/27/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/847,447
Filing Date: May 02, 2001
Appellant(s): MORLEY ET AL.

MAILED
JUL 27 2004
GROUP 2800

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 3, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-11 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,436,920	MINEMOTO ET AL.	7-1995
5,563,470	LI	10-1996
5,889,568	SERAPHIM ET AL.	3-1999
6,370,019	MATTHIES ET AL.	4-2002

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Li (5,563,470).

Li discloses a large format display comprising a plurality of emissive display modules (Figure 1, elements 12-15), each module including at least two contact pads (44, 52, 46), which are alignment elements (column 1, lines 43-46), and a back frame (56) including a plurality of alignment devices (72, 78, 74) to

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mate with the alignment elements of the display modules. The contact pads can be interpreted as mating even though there is a solder joint separating them because "mate" can be interpreted as meaning "to be brought together", "together" can be interpreted as meaning "to be in contact", "contact" can be interpreted as "touching or in immediate proximity", and "proximity" can be interpreted as meaning "close together", which does not necessarily mean touching.

Claims 1-6 and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Seraphim et al. (5,889,568).

Regarding claim 1, Seraphim discloses a large format display comprising a plurality of emissive display modules (Figure 13, elements 130 and 131), each module including at least two alignment elements in the form of electrical connector lines (Figure 15, elements 160-167), which connect with electrical connectors on a back frame (Figure 13, element 155) (column 7, lines 38-42) that therefore serve as alignment devices. Since the electrical connectors must mate in order for the device to work, they are considered to be alignment elements and devices.

The rejection of claims 2-6 and 8 under 35 U.S.C. 102(b) as being anticipated by Seraphim et al. (5,889,568) is set forth in the prior Office Action of December 23, 2003.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seraphim et al. (5,889,568) in view of Minemoto et al. (5,436,920). This rejection is set forth in the prior Office Action of December 23, 2003.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seraphim et al. (5,889,568) in view of Matthies et al. (6,370,019). This rejection is set forth in the prior Office Action of December 23, 2003.

(11) Response to Argument

In regards to Appellant's arguments presented in the Arguments on page 6, section A, the Appellant alleges that while Li discloses that "alignment can be achieved" via the electrical contacts cited by the examiner as being alignment elements and alignment devices, the "solder balls and contacts do not themselves function as alignment elements" because there "is no alignment feature inherent in these devices but, instead, the alignment is entirely the result of action by the user."

The examiner maintains that the references of the prior art of record do teach electrical contacts that function as alignment elements and alignment devices, since their proper alignment is necessary for the functioning of the display devices.

Furthermore, it is unclear to the examiner how the Appellant's claimed alignment elements can be used to align without the guidance of a user, as the claimed alignment elements do not seem to be able to spontaneously align

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without user guidance. The Appellant's arguments based on user guidance do not differentiate the claimed invention from the prior art of Li.

Therefore the rejection of claim 1 based on Li should be upheld.

In response to Appellant's arguments presented in the Arguments on page 6, section B, the Appellant alleges that the structure disclosed by Seraphim "is entirely passive with respect to alignment", and cannot be aligned without user guidance. The Appellant further argues that "devices that the user can align are not alignment devices" but instead alignment devices "are devices which function to achieve alignment."

The examiner emphasizes that as in the Li reference, the electrical contacts of Seraphim must be properly aligned in order for the device to function and therefore serve as alignment devices and alignment elements. As to the Appellant's argument regarding user guidance, the examiner believes that user guidance is necessary to alignment in both the references of the prior art of record and in the claimed invention itself, and that the invention of the Appellant can also be considered to be passive with respect to alignment and requiring a user to align the elements of the claimed invention.

Therefore the rejection of claim 1 based on Seraphim should be upheld.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sharlene Leurig
July 9, 2004


Conferees


Nimesh Patel

Georgia Epps
Sharlene Leurig



Timothy N. Trop
TROP, PRUNER & HU, P.C.
8554 KATY FWY, STE 100
HOUSTON, TX 77024-1805


Nimesh Patel
SPE, Art Unit 2879